

ROSEMARY CURRAN SCAPICCHIO

ATTORNEY AT LAW



FOUR LONGFELLOW PLACE

37TH FLOOR

BOSTON, MASSACHUSETTS 02114

TEL. (617) 263-7400

FAX (617) 742-5761

E-MAIL: SCAPICCHIO_ATTORNEY@YAHOO.COM

WWW.SCAPICCHIOLAW.COM

May 23, 2005

Paul Lyness
Courtroom Clerk to the
Honorable George A. O'Toole
United States District Court
One Courthouse Way
Boston, Massachusetts 02210

RE: Clements v. Josselyn
CV # 04-10621-GAO

Dear Mr. Lyness;

This letter is pursuant to this Court's initial order of March 10, 2005 and subsequent Order of April 23, 2005 enlarging the time within which the petitioner could respond to this Court's initial order. After consulting with my client and with the Committee for Public Counsel Services it is Mr. Josselyn's position that he will not voluntarily dismiss any of the claims in his habeas petition. He understands this Court will likely dismiss his entire petition and he will be forced to file an application for a certificate of appealability in order to challenge this Court's Order.

Mr. Josselyn feels strongly that the recent Supreme Court's decision Rhines v. Weber, S. Ct. (March 30, 2005) supports his request for a Stay.

Very truly yours,

A large, flowing cursive signature in black ink, appearing to read "Rosemary Curran Scapicchio".

RCS:mev

cc: Susan G. Reardon, AAG
David Josselyn